

Remarks

Reconsideration and allowance of this application, as amended, are respectfully requested.

Claims 1, 13, and 15 have been amended. Claims 2-4 have been canceled without prejudice or disclaimer. Claims 1 and 5-17 are now pending in the application. Claims 1 and 15 are independent. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments.

Claim 1 has been amended to incorporate features of the invention previously presented in claims 2-4. Claim 13 has been editorially amended to comply with U.S. practice. Claim 15 has been amended in a manner analogous to that of claim 1. Entry of each of the amendments is respectfully requested.

35 U.S.C. § 103(a) - Bergkvist, Fong, Thayer, and Ban

Claims 1-11, 14, 15, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WIPO Pub. No. WO 92/02161 to Bergkvist in view of U.S. Patent No. 5,581,827 to Fong et al. (hereinafter "Fong") and U.S. Patent No. 2,646,577 to Thayer and further in view of U.S. Patent No. 4,063,830 to Ban.

The rejection of claims 1-11, 14, 15, and 17 based on Bergkvist, Fong, Thayer, and Ban is respectfully deemed to be obviated. For at least the following reasons, the combined

disclosures of Bergkvist, Fong, Thayer, and Ban would not have rendered obvious Applicant's presently claimed invention.

The combined disclosures of Bergkvist, Fong, Thayer, and Ban do not teach all of Applicant's claim features. Bergkvist is deficient for at least the reasons acknowledged by the examiner (Office Action pages 2, 3, 4, 5, 7, 9, and 10). And, instant claim 1 defines an embodiment of the bed that includes, *inter alia*

- a sack of flexible material mounted on the frame with an opening verge part of the sack connected to the frame, a bottom of the sack being configured to (i) rest on a floor on which the legs of the bed, once erected, rest, and (ii) extend over an area that substantially corresponds to an area surrounded by the frame;

- a mattress having a bottom area corresponding to the bottom of the sack; and

- a rigid integral bottom plate located between the mattress and the bottom of the sack, the bottom plate having two parallel spaced-apart scoring lines which are positioned in a longitudinally central area of the bottom plate and which extend perpendicularly to a longitudinal direction of the bottom plate.

The presently claimed embodiment of the bed includes a rigid integral bottom plate with two parallel spaced-apart scoring lines which are positioned in a longitudinally central area of the bottom plate and which extend perpendicularly to a longitudinal direction of the bottom plate. Therefore, a child, when standing up and holding the frame and standing on either or both parts (divided by the scoring lines) of the bottom plate, will not be able to tip the bed, since the bottom plate at the bottom of the sack will be "stuck/locked" at the lower corners of the sack. See, e.g., specification page 1, second paragraph, where Applicant

discloses that in the erected state, the bed should be stable and provide good child safety.

Bergkvist's bed has a stiffening insert 17 which is collapsible since the insert 17 has the form of a plurality of strips. This means that when a child is standing up in Bergkvist's bed, it is possible for the child to tip the bed since the insert 17, actually, the strips, will be folded over themselves. Thus, the insert 17 is not stiff/rigid (and particularly not formed in one piece) in the same way as Applicant's claimed bottom plate feature.

Applicant also directs the examiner's attention to ASTM Designation F 406-08a directed to "Standard Consumer Safety Specification for Non-Full-Size Baby Cribs/Play Yards." (An Information Disclosure Statement that discloses the aforementioned ASTM standards is being filed concurrently herewith.) From ASTM Designation F 406-08a one can infer that a child's bed must fulfill the specifications according to the standards, and especially from the standard articulated in Section 8.12, i.e., the "Test for Stability of Product."

Fong and Thayer are deficient for the reasons presented in Applicant's reply of February 12, 2009. Similarly, the disclosure of the newly-cited Ban adds nothing that would rectify any of the deficiencies of Bergkvist.

Therefore, the combined disclosures of Bergkvist, Fong, Thayer, and Ban would not have rendered obvious the invention

defined by instant claim 1. Claims 5-11 and 14 are allowable because they depend, either directly or indirectly, from claim 1, and for the subject matter recited therein.

As indicated above in the introductory remarks, claim 15 has been amended in a manner analogous to that of claim 1. Claim 15 is therefore also allowable. Claim 17 is allowable because it depends from claim 15, and for the subject matter recited therein.

35 U.S.C. § 103(a)

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bergkvist in view of Fong, Thayer, and Ban, and further in view of U.S. Patent No. 6,588,020 to Stewart, III et al. ("Stewart"). Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bergkvist in view of Fong, Thayer, and Ban, and further in view of U.S. Patent No. 5,542,151 to Stranski et al. ("Stranski").

The rejections of claims 12 and 13 under § 103(a) are also respectfully deemed to be obviated. Regardless of what Stewart may disclose with regard to zippers and seams, and regardless of what Stranski may disclose with regard to a playpen joint, the disclosures of Stewart and Stranski do not rectify any of the above-described deficiencies of Bergkvist, Fong, Thayer, and Ban.

Accordingly, the combined disclosures of Bergkvist, Fong, Thayer, Ban, and Stewart, and the combined disclosures of

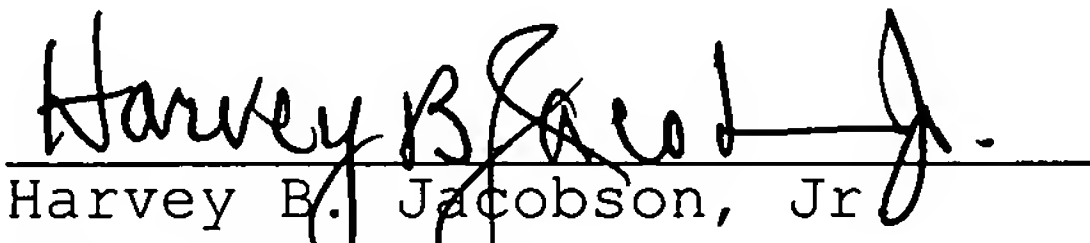
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Bergkvist, Fong, Thayer, Ban, and Stranski, would not have rendered obvious the embodiments of the invention defined by, respectively, Applicant's claims 12 and 13.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that an interview might expedite prosecution, the examiner is invited to contact the undersigned.

Respectfully submitted,

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